IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

OP.No. 11302 of 2002(U)

PETITIONER:

MAREENA JOSE, AGED 43 YEARS,
W/O.M.V.JOSE, MUKKANAMCHERRY HOUSE,
P.O.VELAYAMCHIRANAGARA, KUNNATHUNADU.

BY ADV. SRI.T.O.XAVIER

RESPONDENTS:

---

1. THE FEDERAL BANK LTD.,
P.O.VENGOOR-683 546, ERNAKULAM DISTRICT,
REPRESENTED BY ITS MANAGER.

2. DEPUTY TAHSILDAR,
REVENUE RECOVER, ALUVA.

3. DISTRICT COLLECTOR,
ERNAKULAM.

R1 BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.PRAVEEN K. JOY
R2&3 BY GOVERNMENT PLEADER

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 06/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO.19772/2002 IN O.P. NO.11302/2002

DISMISSED:

6.12.2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF LETTER DT.19.11.99 ISSUED BY R1 ADDRESSED TO THE PETITIONER STATING DUES RS.1,23,618/-.

P2: TRUE COPY OF THE R.R. NOTICE DT.23.3.2002 ISSUED BY R2 TO THE PETITIONER.

P2(a): TRUE COPY OF LETTER ISSUED BY R2 STATING THE DEMAND NOTICE BEFORE EFFECTING RECOVERY.

TRUE COPY

PA TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

.....

O.P. No.11302 of 2002

.....

Dated this the 6th day of December, 2007.

JUDGMENT

The petitioner is challenging recovery proceedings for recovery of arrears of house building loan availed by the petitioner from first respondent-Bank. The O.P. is pending for the last five years. The liability is admitted. However, petitioner's case is that petitioner was not allowed to enjoy the instalment facility by the Bank on account of recalling the same. Obviously petitioner committed default and that is the reason why Bank demanded the entire amount. Since liability is admitted, it is for the petitioner to approach the Bank for settlement and if petitioner offers payment within a reasonable time, I am sure the Bank will grant some incentives atleast waiver of penal and default interest. The O.P. is disposed of leaving freedom to the petitioner to approach the Bank for settlement within a reasonable time, failing which Bank can request for pursuing revenue recovery proceedings.

C.N.RAMACHANDRAN NAIR
Judge

pms